IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1681 OF 2006

M/s.Hindustan Steel Metal Works
and Anr. .. Petitioners

Vs.

The State of Maharashtra & Ors. .. Respondents

Mr.A.S.Kode i/b Mr.Peter Lobo for the petitioners

Ms.S.M.Dandekar, A.G.P. for the respondent no.1

Mr.H.Toor a/w Mr.J.S.Saluja i/b M/s.M.V.Kini and Co. for the respondent no.2 and 3

CORAM : J.N.PATEL &
S.C.DHARMADHIKARI, JJ.

DATED : 6TH MARCH, 2007

P.C.:

1. The petitioner has approached this court seeking to issue a Writ of Mandamus or a Writ in the nature of Mandamus or direction in the nature of mandamus restraining the respondent no.2 BEST from making any demand / claim based on their demand notice letter dated 1.10.03 bearing no.SCN/AMEND/OSFS/PROCL/No.307/21132/2003 and further mandamus in the form of injunction restraining the respondents from taking any coercive action against the petitioners on the basis of the alleged illegal demand dated 1.10.03 raised by respondent no.2 BEST and other ancillary reliefs.

2. On hearing the learned counsel for the parties, we are prima facie of the view that the subject matter of the petition involves disputed question of facts. Further, the petitioners have alternative remedy available to them. Therefore, we are not inclined to entertain the petition. Petition is dismissed with no order as to costs.

(SHRI J.N. PATEL, J)

(SHRI S.C.DHARMADHIKARI, J)